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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/628,933

07/28/2000

Toshiaki Suzuki

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05/28/2004

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EXAMINER

FERRIS, DERRICK W

ART UNIT

PAPER NUMBER

2663

7

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/628,933

Applicant(s)

SUZUKI ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/389,455.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. **Claims 11-13** as amended are still in consideration for this application. Applicant has amended claims 11-13.
2. Examiner does **not withdraw** the obviousness rejection to *Tiernan* in view of *Northcutt* for Office action filed 11/07/2004 for **claims 11 and 12**. In addressing applicant's arguments in the response filed 05/10/04, applicant has amended the claims to clarify that the conversion means inserts an identifier indicating a species of the PES packet. Examiner notes a reasonable but broad interpretation of "identifier". As such, see e.g., column 4, lines 53-65 of *Tiernan* where messages can be optionally addressed (i.e., provided with an identifier). **Claim 13** is considered allowable since the packet is converted based on *both* converting low and high frequency components *and* the species of said encoded image data.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. **Claims 11-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,172,988 B1 to *Tiernan et al.* ("*Tiernan*") in view of U.S. Patent No. 6,185,737 to *Northcutt et al.* ("*Northcutt*").

As to **claim 11**, *Tiernan* discloses the limitations of converting means for converting layer-coded data belonging to each of a plurality of layers of an elementary

stream (ES) to packetized elementary stream (PES) data (e.g., see figure 8). In particular, *Tiernan* teaches converting the ES data so that only ES data belonging to the same layer is contained in a single PES packet which transmits an ES data.

*Tiernan* is silent or deficient to the further limitation of a first packetizing means for packetizing the PES data to a RTP packet for each layer data and a second packetizing means for packetizing the RTP packet to a UDP packet for each layer data. In particular, *Tiernan* teaches that the same process can be applied to IP but is silent how this is accomplished (e.g., see column 9, lines 30-37). Examiner notes a reasonable but broad interpretation of “identifier”. As such, see e.g., column 4, lines 53-65 of *Tiernan* where messages can be optionally addressed (i.e., provided with an identifier).

*Northcutt* teaches the further recited limitation above at column 3, lines 55-67 (in reference to applicant’s figure 3).

Examiner notes that it would have been obvious to one skilled in the art prior to applicant’s invention to include a first packetizing means for packetizing the PES data to a RTP packet for each layer data and a second packetizing means for packetizing the RTP packet to a UDP packet for each layer data. In particular, one skilled in the art would be motivated to modify *Tiernan* to include the further limitation of encapsulating PES information into RTP/UDP/IP for transport over an IP network as taught by *Northcutt*. The suggestion or motivation for doing so would have been to transport MPEG data over IP using RTP/UDP/IP respectively. In particular, *Northcutt* cures the above-cited deficiency by providing a motivation found at column 6, lines 7-25.

As to **claim 12**, see similar rejection to claim 11.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225. The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris  
Examiner  
Art Unit 2663

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5/27/04